

ILLINOIS POLLUTION CONTROL BOARD
January 20, 1994

IN THE MATTER OF:)
)
PROPOSED SITE SPECIFIC WATER)
POLLUTION RULES AND REGULATIONS) R81-19
APPLICABLE TO CITIZENS UTILITIES) (Rulemaking)
COMPANY OF ILLINOIS DISCHARGE)
TO LILY CACHE CREEK) (On Remand)

ORDER OF THE BOARD (by C.A. Manning):

Today, in companion case, Citizens Utilities Company v. IEPA, PCB 85-95, we entered a final opinion and order granting the petitioner a variance pursuant to the Appellate Court of Illinois, Third District's remand on October 1, 1992 in case No. 3-91-0973. The timing of the variance is dependent upon completion of the instant site-specific rulemaking pending before the Board in docket R81-19. (See, Citizens v. IEPA, (January 20, 1994) PCB 85-95, ___ PCB ___, slip op. at 1-2, conditions ##3-5.)

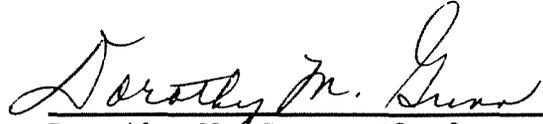
On July 16, 1991, in case No. 3-90-0704, the appellate court reversed and remanded this Board's final order of July 3, 1990 in R81-19 which denied the petition for site-specific relief. (Citizens Utilities Company of Illinois v. Illinois Pollution Control Board et. al., 216 Ill.App.3d 629, 576 N.E.2d 415, 159 Ill. Dec. 746 (3rd Dist. 1991).) Recognizing the merit hearings were held in 1981 and 1982, with economic impact hearings in 1986 and 1987, the Board is inviting comments from those parties and participants on the notice list, and any other interested parties in order to update the record. Filings shall also be delivered to those persons on the notice list. We will then deliberate on the next course of action as expeditiously as Board resources allow.

Any comments must be received by the Board no later than 4:30 p.m., Friday, February 25, 1994. Questions regarding this matter should be directed to the Hearing Officer, Musette H. Vogel, at 217/524-8509 in the Springfield Office located at 600 South Second Street, Suite 402, Springfield, Illinois 62704.

IT IS SO ORDERED.

Board Member R.C. Flemal abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20th day of January, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board